

ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
Keogh Ranch Conservation Easement Amendment
Montana Fish, Wildlife & Parks
Region 3, Bozeman
June 9, 2017

Preface

This Decision Notice has been prepared to amend the Keogh Ranch Conservation Easement by purchasing the agricultural subdivision rights on the 7,106-acre Fitzgerald Ranch which was encumbered by this FWP conservation easement in 1996.

FWP originally purchased this conservation easement (CE) from the Keogh Family. The CE allowed the land to be divided and sold into 160-acre or larger parcels as long as those parcels remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Keogh Ranch CE was used in 1990's and early 2000's era conservation easements but has been discontinued in more recent agreements. The language has proven problematic over the years by placing additional strains on FWP staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives.

The Keogh Ranch CE could legally be subdivided into forty-four 160-acre parcels. To date, the ranch remains whole and no subdivision has taken place. Small-lot residential subdivision is occurring along the southern boundary of the ranch. Pressure from these adjacent landowners to buy horse pastures and other small grazing parcels is growing.

The Keogh Ranch CE is in the intermountain valley between the Boulder Mountains to the west and the Bull Mountains to the east. It is a working cattle and hay ranch that also provides important wildlife habitat. The property extends from the valley floor to the foothills of the Boulder and Bull Mountains. The land is composed of native shrub grassland habitats intersected by Little Whitetail Creek and associated riparian habitat. The property supports breeding mountain plovers and the western most known black-tailed prairie dog colony in Montana. It provides year-round range for mule deer and antelope as well as fall and winter range for elk and is an important link between the two mountain ranges. The ranch is enrolled in Block Management and provides hunting access for an average of 400 hunters annually. Hunttable species include elk, mule deer, antelope, mountain lion, and upland game birds. In addition, the landowners allow public fishing access to the ranch reservoir.

The CE's wildlife habitat, public recreation and agricultural conservation values would be negatively impacted if the property was subdivided into small parcels.

Proposed Action

Montana Department of Fish, Wildlife, and Parks (FWP) proposes to purchase the agricultural subdivision rights on the 7,106-acre Fitzgerald Ranch which was encumbered by a FWP conservation easement in 1996 known as the Keogh Ranch Conservation Easement. FWP would amend the existing conservation easement to prohibit any subdivision. FWP proposes to pay \$213,000 to eliminate the right to subdivide. Costs would be paid for through FWP's Habitat Montana Program.

Public Process and Comments

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on May 2, 2017.

Public comments on the proposed action were taken for 30 days (through May 31, 2017). Legal notices were printed in the *Montana Standard* (Butte) and the *Whitehall Ledger*. The EA was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>.

This project has been discussed with the Jefferson Valley Sportsmen Association, Skyline Sportsmen, and several local landowners. In addition, notices of the EA were sent to adjacent landowners and several other interested parties. Two comments were received – one in support of the proposed action and one opposing it.

Table 1: Summary of comments received on the Keogh Ranch Conservation Easement Amendment proposal.

PARTY	FROM	SUPPORT or OPPOSE	COMMENTS
Individual	Emigrant	Support	“It is certainly worth the money, just to not have to deal with even ten new landowners, if they decided to sell any 160 parcels. I have a little experience with the monitoring process of CE’s...and it could take ten or more separate trips just to meet with new landowners, and of course that would cost the FWP a lot of money for years to come!”
Individual	Whitehall	Oppose	<p>“1. I think the compensation is awfully high considering the original CE has almost everything covered.</p> <p>2. If the CE is opened up for amendment...now would be the time to consider more flexible wildlife habitat improvements with things like logging and fire. Logging creates income, a more diverse habitat, and access for better management.</p> <p>3. ...these conservation easements ...are just a postage stamp on the big picture. ...”</p>

Here is further information to clarify points 1 and 2 raised by the respondent who opposes the proposed action:

1. FWP calculated the dollar value of the agricultural subdivision rights on the Keogh Ranch CE as 5% of the current total value of the ranch (\$1,000 per acre) minus the value of the existing conservation easement (40% of the total ranch value). With conservation easements, the entity holding the easement (in this case FWP) purchases certain rights from the landowner. If those rights aren’t purchased (in this case the ability to subdivide the property into 160-acre or greater agricultural parcels) then the landowner continues to have the right to do that action on the property.
2. The Keogh Ranch CE allows for timber removal under certain conditions. Specifically, timber harvest may occur for habitat enhancement or disease control as approved by FWP, and for firewood, fencing and corrals used on the property. Burning of sagebrush is prohibited. Burning of other existing native rangeland vegetation is prohibited except as approved by FWP.

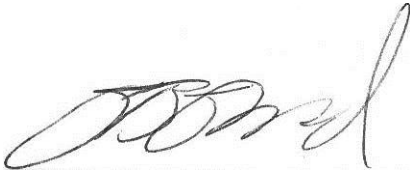
Final Environmental Assessment

The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment and public comment, it is my decision to approve the proposed action to purchase the agricultural subdivision rights on the 7,106-acre Fitzgerald Ranch which was encumbered by a FWP conservation easement in 1996 known as the Keogh Conservation Easement, pending FWP Commission approval.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



6/6/17

Sam B. Sheppard
Region 3 Supervisor
Montana Fish, Wildlife & Parks

Date